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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/007,390

10/22/2001

Reiner Gross

GR 00 P 19937

9813

24131

7590

07/23/2004

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EXAMINER

EASTHOM, KARL D

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/007,390	GROSS, REINER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Karl D Easthom	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizuno et al. Mizuno discloses the claimed invention at Fig. 1 with resistance zone alloy 32, leads 33, 34 insulating layer the portion of 31 between the leads, and the encapsulation the remaining portion of 31. For claim 7, the protective barrier is the glass described at col. 5, lines 50-60. For claim 6, the leads are stacked.

3. Claims 1, 3 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruppin et al. Ruppin discloses the claimed invention at Fig. 3 with resistance zone alloy 3 of Constantin, leads 5, insulating layer 9, connections 6, and the encapsulation 7, 8 and 10. For claims 3 and 7, the protective barrier and/or encapsulating layer is 7, 8, and parts of 9 if required to meet the claim, while the encapsulation is 10 and parts of 9, if required, the remaining part of 9 the insulating layer. For claim 6, the leads are stacked.

4. Claims 1, 3 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Solow. Solow discloses the claimed invention at Figs. 5A, 5B with resistance zone alloy 14, leads 18, insulating layer 12, connections 16, 20, and the encapsulation the block. For claims 3 and 7, the protective barrier and/or encapsulating layer is the varnish at cols. 5-6, while the encapsulation is the epoxy molding. For claim 6, the leads are stacked

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5. Claim 8 is are rejected under 35 U.S.C. 102(e) as being anticipated by Wienand et al.

Wienand discloses the invention at the abstract and Fig. 1b or 2b. The resistance zone is the resistor on substrate 15, with connections 6,7, 8, or 9, power supply leads 4, 5, insulating layer 3, and encapsulation 10 or 13, or 10 and 13.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 3, 6-7, and 9-11 are rejected under 35 U.S.C. 103(a) as obvious over Wienand et al. in view of Telinde. Wienand discloses at the abstract and Fig. 1b the claimed invention except the alloy. The resistance zone is the resistor on substrate 15, with connections 6,7 power supply leads 4, 5 insulating layer 3, and encapsulation 10 or 13, or 10 and 13. For claim 3, the ends of 4, 5 are long, or see Figs. 2a and 2b, with the ends of the leads emanating from encapsulation 10, leaving 13 as the layer encapsulating the encapsulation. In claim 6, the leads are stacked on the board 3. In claim 7, the protective barrier is the air surrounding the device. Or in claim 7, the barrier is 3, with the insulating layer 7. Or see the remarks above with respect to Figs. 2a and 2b, where the barrier is 13 at Fig. 2b, with the encapsulation 10, and the circuit board is shortened, so that only the ends of 4,5 Platinum is disclosed as the sensor of Wienand at col. 2, while Telinde discloses employing an alloy such as manganin (meeting claims 10-11) on the same substrate as a thin film temperature sensor such as that of Wienand in order to create linear output, see the abstract, so that such an alloy addition to that of Wienand would

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have been obvious, where temperature sensing is concerned. For claim 9, the dimensions correspond.

8. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solow or Ruppin et al. in view of Mazochette. Ruppin discloses as noted above, the claimed invention, except for claim 5, the coaxial cable, and except for claim 4, the intermeshed leads. The twisted pair disclosed at col. 3, line 18 is interpreted as intermeshed, where the term is construed broadly, and the coaxial cable is disclosed as 52 at Fig. 3, each useful as disclosed as connecting to a resistor, similar to the resistor of Smith, so that either of the standard connections would have been obvious in order to make a standard connection.

9. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wienand with Telinde as noted above, further in view of Mazochette. Wienand and Telinde discloses as noted above, except the coaxial cable and the intermeshed leads. The twisted pair disclosed at col. 3, line 18 is interpreted as intermeshed, where the term is construed broadly, and the coaxial cable is disclosed as 52 at Fig. 3, each useful as disclosed as connecting to a resistor, similar to the resistor of Wienand, so that either of the standard connections would have been obvious in order to make a standard connection.

10. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solow or Ruppin et al., in view of Ogren. Ruppin or Solow disclose the invention as noted above except the alloy manganin. Ogren discloses the alloy manganin as a prior art resistor having good conductivity over a narrow temperature range (see col. 1), with other alloys having broader temperature ranges good for small compact resistors (see col. 2) such as that of Ruppin, so that it would have been obvious to employ known alloys for resistors where metal films or wires are

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disclosed are but one type of metal alloys, with films being alloys, where the alloys can be employed depending on the temperature range of interest.

11. Applicant's arguments filed 1/15/04 have been fully considered but are moot.
12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D Easthom whose telephone number is (272) 571-1989. The examiner can normally be reached on M-Th, 5:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (272) 571-1989. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Karl D Easthom  
Primary Examiner  
Art Unit 2832

KDE